

AMENDMENTS TO THE ABSTRACT OF THE DISCLOSURE

Replace the Abstract of the Disclosure currently of record with the following new Abstract of the Disclosure:

Abstract of the Disclosure

An apparatus for encoding an audio signal to obtain an encoded audio signal to be used by a decoder having a high frequency reconstruction module for performing a high frequency reconstruction for a frequency range above a crossover frequency includes, a core encoder for encoding a lower frequency band of the audio signal up to the crossover frequency, the crossover frequency being variable, and the core encoder being operable on a block-wise frame by frame basis, and a crossover frequency control module for estimating, dependent on a measure of the degree of difficulty for encoding the audio signal by the core encoder and/or a boarder between a tonal and a noise-like frequency range of the audio signal, the crossover frequency to be selected by the core encoder for a frame of a series of subsequent frames, so that the crossover frequency is variable adaptively over time for the series of subsequent frames.